

Court of Claims of OhioVictims of Crime Division

The Ohio Judicial Center

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IN RE: TOBIAS REID

Case No. V2007-90641

TOBIAS REID

Applicant

Commissioners:

Lloyd Pierre-Louis, Presiding

Gregory P. Barwell

Clarence E. Mingo II

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} The applicant filed a reparations application seeking reimbursement for property loss incurred from a burglary of his storage unit which occurred on November 16, 2006. On June 5, 2007, the Attorney General denied the claim pursuant to R.C. 2743.51(C), since the burglary of the applicant's storage unit did not occur when he was present, posed no threat of personal injury, and concerned property loss only. On July 2, 2007, the applicant filed a request for reconsideration. On September 4, 2007, the Attorney General denied the claim once again. On September 24, 2007, the applicant filed a notice of appeal to the Attorney General's September 4, 2007 Final Decision. On December 19, 2007 at 10:45 A.M., this matter was heard before this panel of three commissioners.

{¶ 2} The applicant and an Assistant Attorney General appeared at the hearing. The applicant presented testimony for the panel's consideration. The applicant related that although he was not present at the time of the burglary, he suffered property loss which in turn caused him to suffer work loss. The applicant detailed his unsuccessful dealing with his insurance carrier to recover money for the property that was stolen and addressed the trauma he suffered as the result of his unsuccessful litigation of this matter. Subsequently, the applicant stated he suffered medical problems due to the

judge ruling against him in the insurance matter. Applicant asserted he should qualify as a victim of criminally injurious conduct even though he was not present at the time of the burglary.

{¶ 3} An Assistant Attorney General presented brief comments arguing the Final Decision should be affirmed.

{¶ 4} R.C. 2743.51(C)(1) in pertinent part states:

“(C) ‘Criminally injurious conduct’ means one of the following:

“(1) For the purposes of any person described in division (A)(1) of this section, any conduct that occurs or is attempted in this state; poses a substantial threat of personal injury or death . . .”

It is well settled that property loss, the type the applicant seeks in the case at bar, does not qualify as a reimbursable expense. *In re Keechle*, V78-3376jud (11-13-79); *In re Kennedy*, V78-3322jud (8-17-79); *In re White*, V80-31706jud (4-2-81).

{¶ 5} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find that the September 4, 2007 decision of the Attorney General shall be affirmed.

{¶ 6} IT IS THEREFORE ORDERED THAT

{¶ 7} 1) The September 4, 2007 decision of the Attorney General is AFFIRMED;

{¶ 8} 2) This claim is DENIED and judgment is rendered for the state of Ohio;

{¶ 9} 3) Costs are assumed by the court of claims victims of crime fund.

LLOYD PIERRE-LOUIS

[Cite as *In re Reid*, 2008-Ohio-5682.]

Presiding Commissioner

GREGORY P. BARWELL
Commissioner

CLARENCE E. MINGO II
Commissioner

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A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Cuyahoga County Prosecuting Attorney and to:

Filed 2-14-2008
Jr. Vol. 2267, Pgs. 188-190
To S.C. Reporter 10-31-2008